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3663

Applicant : Gentaro Ishihara et al.  
Serial No. : 09/996,509  
Filed : November 28, 2001  
Title : NOISE FIGURE-MEASURING DEVICE AND NOISE FIGURE-MEASURING METHOD

Art Unit : 3663  
Examiner : Deandra M. Hughes

**MAIL STOP AF**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

CONDITIONAL NOTICE OF APPEAL

Applicant hereby conditionally appeals to the Board of Patent Appeals and Interferences from the action dated May 7, 2004, finally rejecting claims 6 and 12.

Applicant filed a reply to the final action within three months of the mailing date of that action. At the request of the Examiner, a copy of the reply was sent to the Examiner by facsimile on October 13, 2004.

Applicant's attorney notes that the PTO PAIR system indicates that the application was allowed on November 1, 2004 (*see* copy of the enclosed print-out). Furthermore, the Examiner and the Examiner's supervisor confirmed during telephone calls today that the application was allowed as of November 1, 2004.

However, apparently the Notice of Allowance has not yet been mailed. Therefore, applicant conditionally files this notice of appeal if required to avoid abandonment of the application.

A conditional petition for an extension of time under 37 CFR §1.136 to extend the time to respond to the final rejection for 3 month(s) to and including November 8, 2004 is enclosed.

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

November 8, 2004

Date of Deposit

*Paula T. Romeo*

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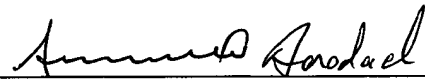
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Attorney's Docket No.: 10830-079001 / A36-  
137192M/YAH

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Respectfully submitted,

Date: 11/19/04

  
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